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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,409	03/24/2004	Tze Wan Pansy Chung	505 US	3858
53476 7590 09/20/2007 TROUTMAN SANDERS, LLP 5200 BANK OF AMERICA PLAZA 600 PEACHTREE STREET, NE ATLANTA, GA 30308			EXAMINER WATKINS III, WILLIAM P	
			ART UNIT 1772	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/807,409

**Applicant(s)**

CHUNG ET AL.

**Examiner**

William P. Watkins III

**Art Unit**

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32-53 is/are pending in the application.
- 4a) Of the above claim(s) 33-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32, 46-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. The objection to the declaration given in section 1 of the detailed portion of the office action mailed 19 April 2007 is withdrawn in view of the filing of an Application Data Sheet, which gives the correct address of Tze Wan Pansy Chung. As the declaration is no longer required to have this information, the initialed correction does not affect the substance of the declaration.
2. The rejection under 102/103 over Hisanaka et al. in section 6 of the detailed portion of the office action mailed 19 April 2007 is withdrawn in view of applicant's amendments to the claims and arguments filed 21 June 2007.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32 and 46-53 are rejected under 35 U.S.C. 103(a) as being obvious over Abuto et al. (U.S. 5,804,021) in view of Pelkie et al. (U.S. 2001/0008676 A1) further in view of Zhou et al. (U.S. 2004/0005835 A1) or Mishima et al. (U.S. 6,468,630 B1).

Abuto et al. teaches an elastic laminate used in diapers and other garments that has a web layer with slits that form elongated cells when the web is stretched in a direction normal to the slits and a second elastic layer that allows the first web to retract after it is stretched (abstract, Figure 2, col. 2, lines 40-60). Pelkie et al. teaches a film used in diapers that has elongated openings that allow ventilation and increased stretching in a direction normal to the long axis of the openings. Mishima et al. teaches the use of elastic strands to allow retraction of a corrugated web in a direction normal to the corrugations (abstract, Figure 2). Zhou et al. teaches elastic strands as an improvement over an elastic film in a laminate in order to allow retraction and expansion of the laminate in a specific direction (abstract, Figure 1).

The instant invention claims elongated openings in a web with strand segments that cross the openings in a direction normal to the major axis of the openings. It would have been

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obvious to one of ordinary skill in the art to have used elongated openings as the slits of Abuto et al. in order to allow better ventilation as well as increased stretching in a direction normal to the major axis of the openings because of the teachings of Pelkie et al. It further would have been obvious to have replaced the elastic film of the laminate of Abuto et al. as modified above with extruded elastic strands in the desired direction of stretch in order to avoid a separate lamination step because of the teachings of Mishima et al. and Zhou et al. Some of the strands of the combination will cross the elongated openings of Abuto et al. as modified above and provide a retraction mechanism as claimed.

5. Applicant's arguments with respect to claims 32, 46-53 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "William P. Watkins III", with a stylized flourish at the end.

WW/ww

September 16, 2007

**WILLIAM P. WATKINS III  
PRIMARY EXAMINER**